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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,952	09/25/2003	Roland L. Schafer JR.	7784-000609	7068

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EXAMINER

HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/670,952

Applicant(s)

SCHAFFER ET AL.

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-10, 13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-10, 13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6/20/2005, with respect to the rejection(s) of claim(s) 1-3, 8-10, 13, 15-19 under 102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 USC 112 1<sup>st</sup> and 2<sup>nd</sup>.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3, 8-10, 13, 15-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has amended to claims to more precisely claim, in combination, all three subsystems (Audio, Lighting and Crew Interface: ALC). Applicant further limits ALC with Speaker drive modules, programmable overhead Electronic units and programmable interface Panels (SEP). The claim then goes on to claim that each SEP are capable of controlling the operation of each of the subsystems ALC:

"wherein each speaker drive module, each overhead electronic unit and each interface panel includes configuration data use to provide one or more operations of each subsystem within a cabin of the mobile platform"

However the applicant has only enabled that "a controller" is used to control ALC. (see page 2, lines 6-7). It appears that the "modules" may actually be controlling each subsystem, however this is not what the specification discloses. Instead the specification discloses "a controller that controls operation of the CSS subsystem preferably using programmable modules provided in connection with the CSS subsystems." As a practical matter it is the controller that is controlling, not the modules (SEP) as claimed. Secondly, the examiner does not believe that the applicant has enabled each module (SEP) to be capable of controlling each subsystem ALC. Each module appears only to control its individual subsystem and not the other two.

5. Claims 1-3, 8-10, 13, 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has claimed that a speaker can control a lighting operation, and that a light operation can operate a crew interface subsystem. How can a light module operate a crew interface panel? How can a drive module for controlling the operation of a speaker operate a crew interface panel?

6. Claims 1-3, 8-10, 13, 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

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matter which applicant regards as the invention. What is meant by “includes configuration data used to provide”? Can configuration data be “used” to provide operations? Or is data programmed in such a manner that allows operation of other subsystems? How is the data used? It is the examiners opinion that the applicant is claiming a black-box that uses an unknown process for outputting commands. The actual data structure are not claimed but only the outputs and the outcomes of the unspecified mathematical and controlling operations with an unspecified and undeterminable amount of circuitry, logic and software.

7. Claims 1-3, 8-10, 13, 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant’s claims are drawn to a cabin services system, however the claims are drawn to the combination of a CSS and a mobile platform having a cabin. Is the applicant claiming the mobile platform and cabin or is the applicant claiming the CSS alone. The examiner can not determine what all is encompassed by the claims.

8. Claims 1-3, 8-10, 13, 15-19 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a boat or aircraft, does not reasonably provide enablement for all cars, buildings in an earthquakes, bicycles, motorcycles, elevators, etc. The specification does not enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention

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commensurate in scope with these claims. The scope of the claims is such that they incorporate all platforms capable of moving. However the specification is only enabling so far as it can be used on a "platform" having a "crew". Few moving platforms have a "crew". Moving platforms the examiner could imagine having a "crew" would be tourist buses, an aircraft, a spaceship, and a large boat. Furthermore the applicant has only enabled the mobile platform with a cabin. Bikes, Scooters, convertible cars, pleasure boats (for personal use) and unmanned aircraft do not have "cabins". They may have internal areas for storage or open spaces with seats, however "open spaces for sitting" and "lower deck storages" are not commensurate in scope with a cabin. The specification does not provide reasonable enablement for every mobile platform as claimed. How would one make a bike with a cabin and a crew? How would one make a Ford Mustang with a crew? Sky scrapers such as the PPG building in Pittsburgh PA have "maintenance crews" that work on repairs within the building, and office "cabins", however it does not appear that the applicant intends to include such a crew and cabin within the scope of the claims.

9. The term "mobile platform" in the claims is a relative term, which renders the claim indefinite. The term "mobile platform" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Is the scope of the claim such that the platform must be in motion? Or only that the platform is capable of motion. And if it is only capable of being moved, does it necessarily mean

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that the platform move under its own operations, or that it can push/pulled by outside environment? (such as a tornado, hurricane, tugboat, etc). Or perhaps "mobile" means that the platform is capable of moving or changing quickly from one state or condition to another. As an example the examiner is thinking of transformer toys that "change quickly from one condition to another". What is the scope of "mobile"? The claims' scope is so wide that one of ordinary skill in the art would not be capable of using or making applicant's invention without undue experimentation.

**From Answers.com:**

**"MOBILE**

**mo·bile** *adj.*

1. Capable of moving or of being moved readily from place to place: *a mobile organism; a mobile missile system.*
2. Capable of moving or changing quickly from one state or condition to another: *a mobile, expressive face."*

10. The term "platform" in the claims is a relative term which renders the claim indefinite. The term "platform" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The applicant has provided examples of what a platform may be, however does not define the scope there of with these examples. It actually appears that the applicant is using the word "Platform" to mean any and all structures from which a person can stand above ground level. However the art accepted term platform has a variety of meanings.

**From Answers.com: Platform**

**plat·form** *n.*

- 1.

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- a. A horizontal surface raised above the level of the adjacent area, as a stage for public speaking or a landing alongside railroad tracks.
- b. A vessel, such as a submarine or an aircraft carrier, from which weapons can be deployed.
- c. An oil platform.

2. A vestibule at the end of a railway car.

The examiner is confused then as to what the scope of the claims is. Does a Platform mean a horizontal surface? If so, does this include a cabin or an enclosed area? Are all building simply platforms, since they are essentially a horizontal surface raised above the level of the adjacent area? If so the PTO has 6 platforms with complex communications therein including lighting, audio, control panels, card scanner for electronically verifying that the examiners are at work, and security cameras for monitoring the campus. These "platforms" are "mobile", in that they can change via construction and exterior alterations. Surely the glass windows move during heavy winds. Clearly the applicant does not intend for the claims to cover a building. The claim scope is so wide that one of ordinary skill in the art would not be capable of using applicant's invention without undue experimentation to determine how to make and use each and every mobile platform encompassed within the scope of the claims.

Perhaps instead the applicant is claiming a vessel. Per the dictionary definition Answers.com received from the Houghton Mifflin Company, a vessel is only a platform from which weapons can be deployed. Commercial aircrafts are not capable of deploying weapons, and must be retrofit to have this capability. Passenger aircraft for commercial use clearly do not carry weapons, and do not have the capability to do so,



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since doing so would endanger the lives of every passenger on board. A fighter aircraft having no missiles, rockets or ammo left is not capable of deploying a weapon since there are no weapons on board. Since the applicant's specification clearly intends for the CSS subsystem to be using on a passenger aircraft, the examiner is confused as to what the word platform means and why the applicant would consider claiming an aircraft such that the claim would include only vessels capable of deploying weapons. If the applicant intends to gain protection for an aircraft and an aircraft only, then the claims should be drawn as such.

11. The claims are objected to as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: how a speaker can control a light switch, how a light can control a crew interface, how a building can be mobile

Applicant is required to submit an amendment, which clarifies the claims so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

### ***Drawings***

12. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cabin, mobile platform, and configuration data must be shown or the feature(s) canceled from the

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claim(s). No new matter should be entered. It should be noted that the applicant has only "illustrated" a box and labeled the box as an "aircraft". This is not a proper illustration of an aircraft or any other mobile platform. Furthermore there is no illustration of a cabin. The claims are drawn to a CSS system within a cabin. Not a CSS system within a mobile platform. There are such things as removable cabins for loading aircrafts. The examiner respectfully reminds the applicant that both a cabin and aircraft need illustrated.

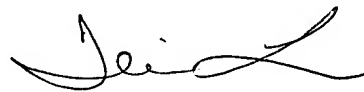
Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah



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